

**REVISED
PLANNING AND ZONING COMMISSION
MEETING MINUTES**

December 27, 2004

MEMBERS PRESENT: Emery Zahner, Geri Kupecky, Cliff Aucter, Robert Hoffman, and Alternates, and Alternate Ronald Small

MEMBERS ABSENT: Lori Spielman, Mort Heidari and Alternates James Prichard, Arlo Hoffman

STAFF PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:03 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #Z200435 – Cathy Pinard for a 30' x 38' 3 door detached garage with 10' x 30' lean to on property located at 65 Sandy Beach Road, APN 151-005-0001 in an RA Zone.

TIME: 7:05

SEATED: G. Kupecky, C. Aucter, R. Small, B. Hoffman, E. Zahner

Cathy Pinard came forward to explain the application. Wetlands has not taken action yet.

MOVED (KUPECKY), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200435 – CATHY PINARD.

MOVED (KUPECKY), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CONTINUE TO THE JANUARY 31, 2005 MEETING #Z200435 – CATHY PINARD.

2. #S200411 – Angel Trace, LLC for a 27-lot subdivision on properties located on Crystal Lake Road, APN 110-018-0000 & 109-009-0000 in a RA Zone.

PER REQUEST OF APPLICANT THIS APPLICATION WAS WITHDRAWN

THE COMMISSION REVIEWED ITEMS 3 & 4 TOGETHER

3. #Z200442 – Ellington Planning & Zoning Commission for an amendment to the Zoning Regulations, section 7.7d7b permitted groundcover in landscape islands.

4. #Z200443 – Ellington Planning & Zoning Commission for an amendment to the Zoning Regulations, section 4.1f design review for special permit uses.

TIME: 7:10

SEATED: G. Kupecky, C. Aucter, R. Small, B. Hoffman, E. Zahner

The planner reviewed the proposed language, particularly the changes that would allow the Planning & Zoning Commission some discretion to look at design standards for uses requiring a special permit.

MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200442 & #Z200443 – ELLINGTON PLANNING & ZONING COMMISSION.

MOVED (AUCTER), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200442 – ELLINGTON PLANNING & ZONING COMMISSION. (EFFECTIVE DATE 1/15/05)

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE #Z200443 – ELLINGTON PLANNING & ZONING COMMISSION. (EFFECTIVE DATE 1/15/05)

5. #Z200444 – Rya Corporation for the Kupferschmid Family Trust for a special permit for an earth excavation permit on property located at 156 West Road, APN 046-002-000, in a PC & RA Zone.

TIME: 7:20

SEATED: G. Kupecky, C. Aucter, R. Small, B. Hoffman, E. Zahner

Russ Heintz, Tarbell & Heintz, came forward to review the application with the commission. They will be adding 50,000 cubic yards of material. The fill will come from T & M Builders.

Chairman Zahner read Jim Thompson's letter dated November 22, 2004.

The planner noted that regardless of this arrangement, T & M is responsible to address the issue of excess material at their subdivision in accordance with the phasing and other requirements for the subdivision. The planner also noted that if the material is brought to this site it should be immediately graded and stabilized and not "stockpiled" on the site. Finally, the planner noted that if approval is granted that approval is not in any way "contingent" upon any subsequent development, but is a "stand alone" approval.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200444 – RYA CORPORATION.

MOVED (AUCTER), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO APPROVE #Z200444 – RYA CORPORATION.

6. #Z200431 – Dover Corp. for a zone change to MF/Mutli-Family on property located at 35 Windermere Ave, APN 011-013-0000 in an IP Zone. (Continued from the November 22, 2004 meeting)

PER REQUEST OF THE APPLICANT THIS APPLICATION WAS WITHDRAWN

7. #Z200436 – Dzen Brothers, Inc. for site plan approval and special permit for construction of green houses with associated gravel parking areas, second curb cut and drainage facilities in conjunction with an existing retail facility on property located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000, 009-042-0000, in a PC Zone. (Continued from the November 22, 2004 meeting)

TIME: 7:35

SEATED: G. Kupecky, C. Aucter, R. Small, B. Hoffman, E. Zahner

Mr. Davis noted that Wetlands has not acted yet and the plan is still under review. He spoke to Peter DeMallie today and it was agreed to continue this to the January, 31, 2005 meeting.

MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CONTINUE TO JANUARY 31, 2005 MEETING FOR #Z200436 – DZEN BROTHERS, INC.

VI. NEW BUSINESS

1. #Z200446 – Development Services, LLC & Ellington Developers, LLC for a zone change to ARCHZ/Age Restricted Cluster Housing Zone including conceptual site plan approval on property located at Windermere Ave, APN 017-004-0000, 018-003-0000, in an IP Zone.

BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE ABOVE APPLICATION AND SET THE PUBLIC HEARING FOR THE JANUARY 31, 2005 REGULAR MEETING.

2. #Z200447 – Pioneer Builders of Ellington, Inc. for a zone change to ARCHZ/Age Restricted Cluster Housing Zone including conceptual site plan approval on property located at 22 Maple Street, APN 073-014-0000 in a PC Zone.

BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE ABOVE APPLICATION AND SET THE PUBLIC HEARING FOR THE JANUARY 31, 2005 REGULAR MEETING.

3. #Z200448 – Great Country Garages for a site plan approval and special permit to construct a building for fabrication and assembly of accessory buildings on property located at 210 West Road, APN 037-002-0000 in a PC Zone.

The planner noted that Wetlands has approved this proposal.

BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE ABOVE APPLICATION AND SET THE PUBLIC HEARING FOR THE JANUARY 31, 2005 REGULAR MEETING.

4. #Z200445 – Landmark Surveys for site plan approval to add gravel parking area and amesite parking area on property located at 100 West Road, APN 028-010-0000 in a C Zone.

The planner noted that Jim Thompson has not reviewed the plans.

BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE FOLLOWING APPLICATION AND WILL REVIEW THE PLAN AT THE JANUARY 31, 2005 REGULAR MEETING.

5. Santini Builders, LLC request for a bond reduction for Gasek Farms II (#S200102).

MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION SANTINI BUILDERS, LLC REQUEST FOR BOND REDUCTION FOR GASEK FARMS II.

CONDITION: RECOMMENDED REDUCTION TO BE SUBJECT TO REVIEW AND APPROVAL OF TOWN ENGINEER.

6. Santini Builders, LLC request for a second 90-day extension to file mylars for Gasek III. (#S200404).

MOVED (SMALL), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO GRANT A SECOND 90-DAY EXTENSION FOR SANTINI HOMES TO FILE SUBDIVISION MYLARS FOR GASEK FARMS III.

7. Peter Sirois request for 90-day extension to file mylars for Newell Hill Subdivision. (#S200409).

MOVED (HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO GRANT A 90-DAY EXTENSION FOR PETER SIROIS TO FILE SUBDIVISION MYLARS FOR NEWELL HILL SUBDIVISION.

8. #S200407—Gingras Development, LLC request for approval of appraiser. (Ryefield Estates Subdivision - Crane Road)

Mr. Davis noted that the statute requires the “joint” approval of the appraisers, but also that it should not be construed that approval of the appraiser in any way binds the Planning & Zoning Commission to approve the appraisal.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE APPRAISER FOR RYEFIELD ESTATES SUBDIVISION.

9. CGS 8-24 Review: Proposed land acquisition – Porter Road/Richards (APN #144-010-0000).

Mr. Davis noted that this was probably one of the last parcels to be purchased with the DEP grant money. Mr. Davis will provide the Planning & Zoning Commission with a current account balance for the town’s open space fund.

MOVED (AUCTER), SECONDED (SMALL), AND PASSED UNANIMOUSLY TO APPROVE CGS – 8-24 REVIEW: PROPOSED LAND ACQUISITION PORTER ROAD PROPERTY (RICHARDS) APN 144-010-0000.

10. Request of the Ellington Housing Authority for waiver of zoning permit fees for Snipsic Village Elderly Housing project.

The Planning & Zoning discussed the possibility of amending the ordinance to allow waivers of fees for certain uses. Mr. Davis explained he would need to consult with the Town Attorney to see what could be done.

MOVED (AUCTER), SECONDED (KUPECKY), AND PASSED UNANIMOUSLY TO APPROVE WAIVER FOR ZONING PERMIT FEES FOR SNIPSIC VILLAGE ELDERLY HOUSING PROJECT.

11. Request of Christopher Yanaros for (2) 90-day extension to file approved subdivision map #S200410 (Ladd Road).

After discussion regarding the Planning & Zoning Commission's options and the general procedure for "post-approval" administrative tasks, it was agreed to provide the extensions.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO GRANT TWO 90-DAY EXTENSIONS FOR CHRISTOPHER YANAROS TO FILE SUBDIVISION MYLARS FOR LADD ROAD.

V. ADMINISTRATIVE BUSINESS:

1. Discussion re: Premature lot offers/sales. (review draft letter)

It was the general consensus that the draft was acceptable and could be sent out in final form.

2. Discussion re: Project with Yale's School of Forestry.

It was the consensus of the commission to pursue this, as long as it would assist the department.

3. Discussion re: Recommended Conservation and Development Policies Plan for Connecticut 2004 – 2009.

Staff will review and provide comments to the Planning & Zoning Commission as necessary.

4. FY 2005 – 2006 Board of Finance Budget Guideline (12/14/04 memo from Board of Finance Chairman)

Mr. Davis explained that it would likely be a very difficult budget year and that consulting services would be essential to complying with the Board of Selectmen "directive" to update the Plan of Conservation and Development and regulations. He recommends that Commissioners attend the Board of Selectmen and Board of Finance budget meetings to support funding requests. The planner will provide a meeting schedule for the Commissioners. Commissioner Aucter reiterated the need for substantial funds for consulting services and that it would not be possible to comply with the Board of Selectmen "directive" unless those funds are provided.

5. Approval of Meeting Minutes:
 - a. November 22, 2004 meeting minutes.
 - b. December 1, 2004 special meeting minutes.

MOVED (B. HOFFMAN), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 22, 2004 MEETING MINUTES.

MOVED (SMALL), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 1, 2004 SPECIAL MEETING MINUTES.

6. Correspondence:
 - a. Memo to Planning & Zoning Commission from Matt Davis dated, 11/30/04.
 - b. Memo to Planning & Zoning Commission from Matt Davis dated, 12/31/04.
 - c. Environmental Management Bulletin dated, 12/2/04.

- d. Connecticut Federation of Planning and Zoning agencies Quarterly Newsletter, Fall 2004.
- e. CBA Education & Training for Planning & Zoning on 3/5/05.
- f. Letter to Jamison Boucher from Richard Kalva dated, 12/17/04.
- g. Purcell Associates Newsletter, November 2004.
- h. E-mail to Matt Davis from Judy Preston dated, 12/8/04.
- i. Memo to Dennis Milanovich from Reanna Goodreau dated, 12/13/04.
- j. CRCOG 2005 Legislative Agenda dated, 12/20/04.
- k. Memo to Planning & Zoning Commission from Matt Davis dated, 12/13/04.
- l. Memo to Planning & Zoning Commission from Matt Davis dated, 12/17/04.
- m. Letter to Emery Zahner from Dennis Milanovich dated, 12/20/04.

The Commission discussed the request and while generally agreeing to consider the issues, felt that their work load would probably not permit them to pursue this in the near term as a priority item. It was generally agreed that the item could be discussed during the Plan of Conservation & Development and regulation update process.

- n. Memo to Land Use Commissions from Matt Davis dated, 12/21/04.
- o. Memo to Sue Boyan from Cindy Lacapruca dated, 12/17/04.

VII. ADJOURNMENT:

**MOVED (B. HOFFMAN) SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 8:21 PM.**

Respectfully Submitted,

Kristin C. Michaud
Recording Secretary